

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GS Holistic, LLC,

Plaintiff,

v.

King's Smoke Shop & Vape, et al.,

Defendants.

No. 2:23-cv-00351-KJM-CKD

ORDER

Plaintiff GS Holistic, LLC's original complaint named two defendants: "King's Smoke Shop & Vape" and one Doe defendant. Compl. ¶¶ 6–7, ECF No. 1. Since then, plaintiff's counsel discovered the correct defendants are actually King's Mini Mart (doing business as King Smoke Shop) and Hameedullah Nooristani. Mot. Am. at 2, ECF No. 12. Plaintiff now requests leave to amend the complaint to correct the defendants' names. *See id.* No defendant has yet appeared, no party or non-party has registered any opposition to the motion, and the court has not yet issued a scheduling order under Federal Rule of Civil Procedure 16.

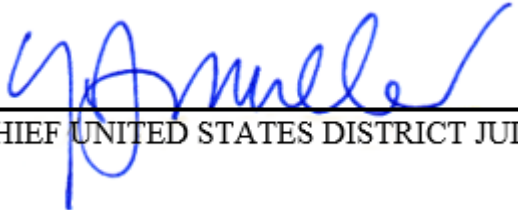
Rule 15 permits a party to amend its complaint with the court's permission. *See Fed. R. Civ. P. 15(a)(2)*. "The court should freely give leave when justice so requires." *Id.* The Ninth Circuit has long "stressed Rule 15's policy of favoring amendments" and has "applied this policy with liberality." *Ascon Props., Inc. v. Mobil Oil Co.*, 866 F.2d 1149, 1160 (9th Cir. 1989). Requests to amend are ordinarily denied only when they will result in undue delay or prejudice,

1 when they are sought in bad faith, when a plaintiff has repeatedly failed to cure deficiencies, or
2 when amendment would be futile. *Foman v. Davis*, 371 U.S. 178, 182 (1962). This is not such a
3 case; an amendment is appropriate.

4 The motion to amend (ECF No. 12) is **granted**. An amended complaint must be filed
5 **within seven days**. The motion hearing previously scheduled for September 1, 2023 is **vacated**.

6 IT IS SO ORDERED.

7 DATED: August 22, 2023.

8 
CHIEF UNITED STATES DISTRICT JUDGE